

BOARD OF
Health
MEETING
MINUTES

June 4, 2020
Town Hall 1 Main St., Upton, MA 01568

1 The on-line meeting was called to order at 2:06 p.m., by Richard Desjardins. Richard read the following
2 statement: *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the*
3 *Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on*
4 *strict limitations on the number of people that may gather in one place, meetings in the Town of Upton*
5 *will be conducted via remote participation to the greatest extent possible. We will strive to provide*
6 *access to such meetings via a link to call in, or other similar option. In the event we are unable to*
7 *accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as*
8 *possible following the same.*

9
10 Agenda was reviewed and accepted.

11
12 Minutes to the previous meeting held April 30, 2020 were reviewed.

13 **Motion one** – Al made a motion to approve of the minutes from the previous meeting and Ted seconded
14 the motion. Richard made the motion unanimous. Minutes were approved.

15
16 Board discussed the most recent COVID situation; no new cases of COVID in Upton, restaurants will open
17 up outdoor seating in phase 2, on schedule for June 8th. Town hall will remain closed until the first of
18 July, all employees have returned to work on a normal schedule. Al reviewed the requirements for
19 outdoor seating for restaurant owners who were online. Al advised them all to contact the Board of
20 Selectmen's office for approval, but they could move forward when they were ready.

21
22 Board discussed a complaint from Anthony Anzalone of Plumby Road regarding his chickens. Anthony
23 had an issue with the noise coming from his neighbor's roosters. He was requesting the BOH adopt new
24 regulations that would prohibit roosters in Upton and would limit the location and number of chickens
25 on someone's property. Board discussed the issue at length with Anthony who was on line as well.
26 Diane stated she would draft some changes to the animal regulations for the Board to review at the next
27 meeting. Anthony asked if he could have access to the draft. Richard was concerned that we may not
28 accept any changes to the regulations and the discussion needs to wait until the next meeting. Al
29 agreed that the discussion would not be made until the next meeting but Anthony could look at the
30 draft that may or may not be accepted. After some debate between the members, Bd agreed that Diane
31 could send Anthony a copy of the draft. Board will discuss making changes at the next BOH meeting.

32
33 A septic design was reviewed for 49A Warren Street – Rifleman Properties. The plan was previously
34 approved by BOH agent, Paul McKeon.

35 **Motion two** – Ted made a motion to approve of the septic design for 49A Warren Street. Al seconded
36 the motion and Richard made the motion unanimous. Plan was approved.

37
38 Board discussed the order to the Cristino's at 104 Westboro Road. The Board issued an order two years
39 ago that the septic system must be repaired by 6/18/20. Currently, the Cristino's have taken no action
40 to repair their system and the deadline is approaching.

41 **Motion three** – Al made a motion to send an order that the Cristino's will be in violation of the original
42 order if their system is not repaired by 6/18/20. Ted seconded the motion and Richard made the
43 motion unanimous. Diane will contact town counsel.

44
45 A request from Grants Septic Tech was discussed relating to 32 Milford Street. The system has been
46 unoccupied for several years, but Grant's feels the system will pass the title 5 inspection. The house has
47 had two passing inspections previously but the latest one done in 2016 failed. Grants feel the system is
48 not in failure and will work with no problems. He is willing to put his stamp on the report, but because it
49 was unoccupied, he is looking for guidance. BOH Agent, Paul McKeon walked the property and did not
50 see any issues. Paul stated that when a system sits for a long period of time, it can rejuvenate itself and
51 function with no problem.

52 **Motion four** – Al made a motion that the Board will agree to a conditional pass on the system for a
53 period of two years. The system must be re-inspected in two years to assess how it is functioning. Ted
54 seconded the motion and Richard made the motion unanimous.

55
56 A septic permit to backfill the septic tank at 6 Main Street – owned by the town of Upton was reviewed.
57 The house was recently demolished, but there was an existing septic tank on the premises. The town
58 has agreed to backfill the tank.

59 **Motion five** – Al made a motion to approve of the septic permit to 6 Main Street. Ted seconded the
60 motion and Richard made the motion unanimous. Permit was approved.

61
62 A septic repair for a D-box was reviewed for 38 Pleasant Street – Rodrigus.

63 **Motion six** – Al made a motion to approve of the septic permit 38 Pleasant Street. Ted seconded the
64 motion and Richard made the motion unanimous. Permit was approved.

65
66 Richard left the meeting.

67
68 A request for an extension of a septic design for lot # 2, Tyler Road was reviewed for Marcel Alves.

69 **Motion seven** – Al made a motion to grant a six month extension for the septic design at Lot # 2 Tyler
70 Road. Ted seconded the motion. Motion was approved by majority.

71
72 An order to correct was reviewed for 46A School Street. Owner has had trash outside of the house for
73 several months and also has an outstanding payment to the town for trash bags. The owner will have
74 until 6/15/20 before fines start.

75
76 **Motion eight** - Al made a motion to adjourn and Ted seconded the motion. Motion approved by
77 majority.

78 2:54 p.m., meeting was adjourned.

79

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80 Respectfully Submitted,
81
82 Diane Tiernan
83 Asst. Public Health Supervisor